

RECEIVED  
IN MONROE, LA  
NOV 14 2008

ROBERT H. SHEMWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

NAVADA N. FOSTER

CIVIL ACTION NO. 07-1519

VERSUS

JUDGE ROBERT G. JAMES

OUACHITA CORRECTIONAL CENTER,  
ET AL.

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Before the court is a civil rights complaint [Doc. No. 1] filed *in forma pauperis* on September 12, 2007, by *pro se* Plaintiff Navada N. Foster ("Foster"). Foster is incarcerated at the Ouachita Correctional Center ("OCC") located in Monroe, Louisiana.

Following the Reports and Recommendations of the Magistrate Judge [Doc. Nos. 4 & 16], the Court ruled that Foster's claims against Defendants Ouachita Parish Sheriff Richard Fewell and OCC Warden Don Wheelis (collectively, "Defendants") for violating the Free Exercise Clause of the First Amendment and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1(a), survive frivolity review. [Doc. Nos. 18 & 19]. Therefore, only Foster's claims that Defendants are interfering with his religious practices by failing to provide him with a pork-free diet, not allowing him to participate in weekly worship services, and failing to facilitate fasting during Ramadan are pending.

Accordingly, in order to determine an appropriate course of action, IT IS ORDERED that the Clerk of Court serve on Defendants, through the U.S. Marshal, two (2) completed summons forms for each defendant, one (1) USM-285 form for each defendant, a copy of this memorandum order, a copy of the complaint [Doc. No. 1], and copies of the amended complaints [Doc. Nos. 15 & 17 ].

IT IS FURTHER ORDERED that the Clerk of Court serve on Foster, at his last known address, a copy of this memorandum order.

IT IS ORDERED that Defendants file a response within twenty (20) days after the date of service. Defendants shall specifically address whether Foster should be required to exhaust administrative remedies, and, if so, whether he has exhausted his administrative remedies prior to filing herein.

After Defendants' responsive pleadings are filed, an additional sixty (60) days is allowed for all parties to complete appropriate discovery.

At the end of the discovery period, Foster or Defendants have thirty (30) days to file a motion for summary judgment, to include material and relevant affidavits, certified records, interrogatories and answers, admissions, and depositions, if any, and a supporting memorandum brief.

Any party not filing a motion for summary judgment is ORDERED to file a Statement of Issues, within the same 30-day period, enumerating each genuine issue of material fact perceived by that party to be relevant to this matter, or state that there are no genuine issues of material fact. The Statement of Issues will be used by the Court to determine the necessity for an evidentiary hearing.

IT IS FURTHER ORDERED that in all future filings, Foster and Defendants shall attach a certificate stating that a copy has been furnished to the other parties, specifically stating the name and address of each party (or his attorney) to whom a copy of the pleading was sent. If the parties fail to attach this certificate, the Clerk of Court will not accept their filing.

**Failure to comply with this Memorandum Order will result in dismissal of this matter without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.**

MONROE, LOUISIANA, this 14 day of November, 2008.

A handwritten signature in cursive script, reading "Robert G. James". The signature is written in dark ink and is positioned above a horizontal line.

ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE